

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	)	
	)	
VS.	)	
	)	No. 1:02 CR 743-7
	)	
	)	<u>RESPONSE TO GOVERNMENT</u>
PETER GOTTI,	)	<u>FILING</u>
	)	
Defendant	)	

Responding to the Government's letter filing of December 17, 2019 the defendant Peter Gotti, by his counsel, respectfully shows the Court that:

1. Out of an abundance of caution, as he has done in 28 of these cases since the enactment of the First Step Act of December 21, 2018, the defendant's counsel wrote the warden at FMC Butner on May 2, 2019 requesting compassionate release for Peter Gotti under the First Step Act. To date there has been no response.
2. The Government says there has been no compassionate release recommendation for Peter Gotti by medical staff at FMC Butner since May 2019. We accept that, in the sense that there likely has been no such formal recommendation. Nonetheless, Peter Gotti was told by medical personnel there on December 10, 2019 that they fully support his efforts for compassionate release.
3. We too have BOP medical reports we would be happy to share with the Court.
4. The Government's description of Peter Gotti in its December 17 letter does not square with the Peter Gotti of today, though it is how the BOP typically describes patients in his condition.

5. From telephone conversations, it is apparent that Peter Gotti's dementia is increasing.
6. The BOP is, since December 21, 2018, no longer the gatekeeper in these sad situations. This Court is. As was noted in Sester v. United States, 566 U.S. 2231, 132 S.Ct. 1463, 182 L.Ed.2d 455 (2012), decisions about sentencing "should not be left to employees of the same Department of Justice that conducts the prosecution."
7. According to the Medical Examiner in Durham, deaths at Butner are at an all time high. We pray Peter Gotti won't be next on that list, but these cases are very sad and very real. Peter Gotti has a loving home to go too, with his daughter in Howard Beach, New York. He has served over 80% of his sentence and is likely dying. May he get there in time.

For all the above reasons and those set forth in the pending motion, and our previous filings, we continue to pray the Court for the compassionate release of Peter Gotti under the First Step Act.

Respectfully submitted,

/s/ James B. Craven III

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CERTIFICATE OF SERVICE

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This 18<sup>th</sup> day of December 2019.

/s/ James B. Craven III  
James B. Craven III